#### UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

ENTROPIC	COMN	ИUNICA	ATIONS,	LLC,

Plaintiff

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Civil Action No. 2:22-cv-00125-JRG

JURY TRIAL DEMANDED

CHARTER COMMUNICATIONS, INC.'S OPPOSITION TO PLAINTIFF ENTROPIC COMMUNICATIONS, LLC'S MOTION FOR SUMMARY JUDGMENT OF NO UNCLEAN HANDS DEFENSE

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#### I. INTRODUCTION AND SUMMARY OF THE ARGUMENT<sup>1</sup>

Charter opposes Entropic's Motion for Summary Judgment of No Unclean Hands Defense (Dkt. 180, "Mot.") as there remain genuine issues of material fact concerning whether the asserted patents are unenforceable against Charter because breached its implied covenant of good faith and fair dealing and had unclean hands when it assigned the asserted patents to Entropic.

# II. CHARTER'S RESPONSE TO ENTROPIC'S STATEMENT OF ISSUES Charter agrees with Entropic's recitation of the issues to be decided by the Court.

# III. CHARTER'S RESPONSE TO ENTROPIC'S STATEMENT OF UNDISPUTED FACTS

1.	Disputed as incomplete. Charter's witness stated
	"
2.	Disputed as incomplete.

<sup>3–7.</sup> Undisputed.

<sup>&</sup>lt;sup>1</sup>Emphasis is added herein, unless specified otherwise.

<sup>&</sup>lt;sup>2</sup> Exhibits A–C were filed with Entropic's opening motion (Dkt. 180).

<sup>&</sup>lt;sup>3</sup> "Ex." refers to Exhibits to the Declaration of Elizabeth Long In Support Of Charter's Opposition To Entropic's Motion For Summary Judgment Of No Unclean Hands Defense, filed herewith.

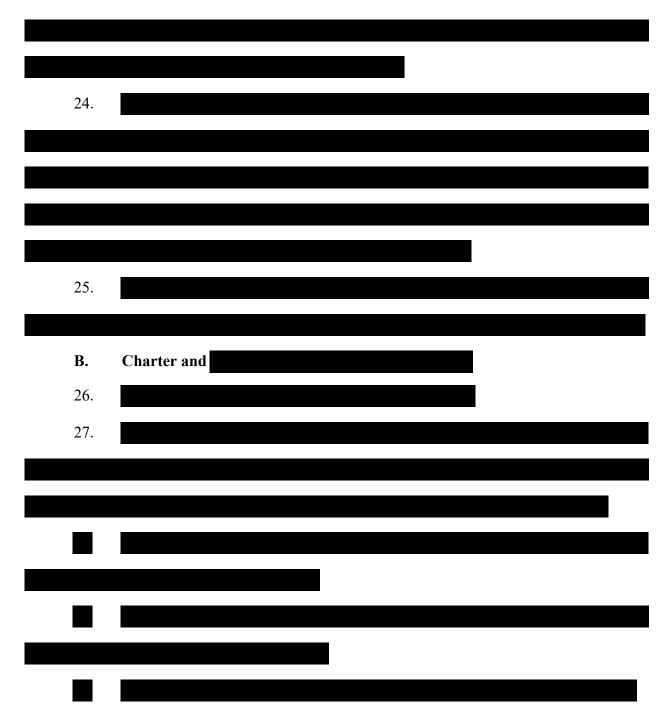
	8.	Disputed as incomplete. Charter's witness stated "
		(Ex. D at 190:17–22.)
	9.	Disputed as incomplete.
	10_11	1. Undisputed.
	10–11	Disputed as incomplete. The basis for Charter's defense of unclean hands is that
	13.	Disputed as incomplete.
	13.	Disputed as incomplete.
	14.	Disputed as incomplete.
IV.	ADD	ITIONAL UNDISPUTED MATERIAL FACTS
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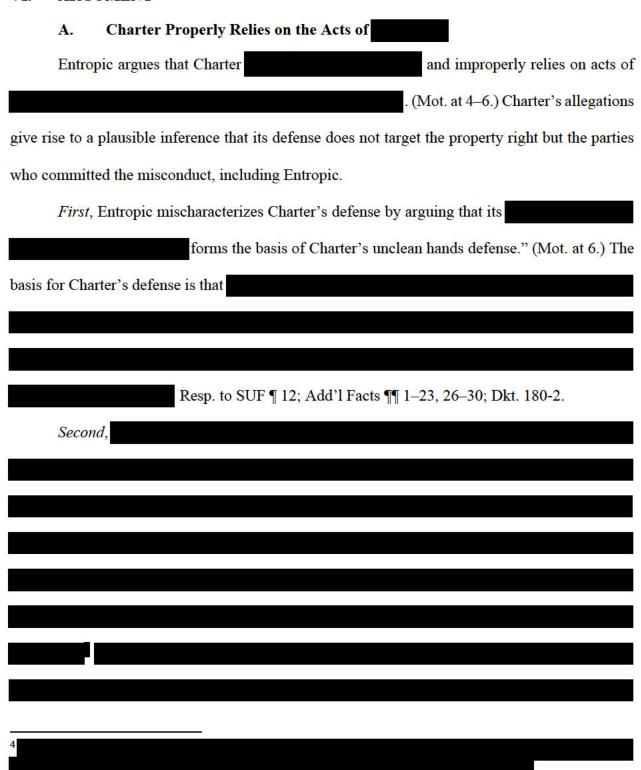


#### V. LEGAL STANDARD

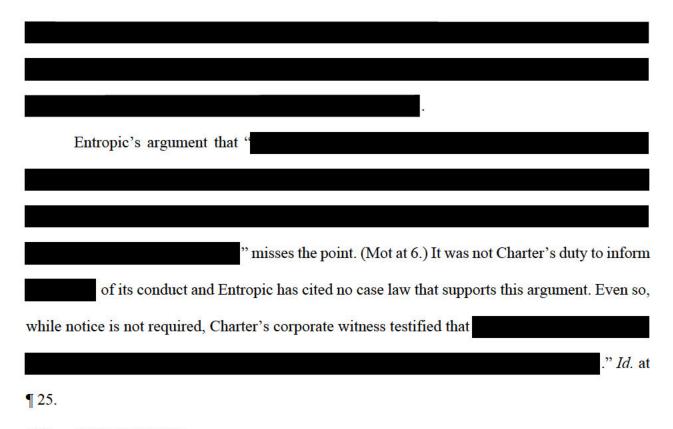
The unclean hands doctrine bars recovery "when misconduct of a party seeking relief has immediate and necessary relation to the equity that he seeks in respect of the matter in litigation." *Gilead Scis., Inc. v. Merck & Co.*, 888 F.3d 1231, 1239 (Fed. Cir. 2018) (citation omitted). Prelitigation business conduct and litigation misconduct are sufficient to invoke unclean hands,

Gilead, 888 F.3d at 1240–1247, and there is no materiality requirement for unclean hands, Therasense, Inc. v. Becton, Dickinson & Co., 649 F.3d 1276, 1287 (Fed. Cir. 2011) (en banc).

#### VI. ARGUMENT



have not "acted fairly and without fraud or deceit as to the controversy a
issue." Gilead, 888 F.3d at 1239.
B. Charter Points to Egregious Conduct to Support its Defense
While Entropic alleges that Charter fails to articulate egregious facts for its unclean hand
defense," (Mot. at 6), Charter has pointed to egregious conduc
by



#### VII. CONCLUSION

For these reasons, Charter respectfully asks that the Court deny Entropic's motion for summary judgment of no unclean hands defense.

Dated: September 25, 2023 Respectfully submitted,

#### /s/ Daniel Reisner by permission Elizabeth Long

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Attorneys for Defendant Charter Communications, Inc.

#### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document and all attachments thereto are being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served September 25, 2023, on all counsel of record, each of whom is deemed to have consented to electronic service. L.R. CV-5(a)(3)(A).

	/s/ Elizabeth Long Elizabeth Long	
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